



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,127	01/28/2004	Byung-youn Song	1793.1170	2252
21171 7590 10/16/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
DAVIS, DAVID DONALD				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
10/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,127

Applicant(s)

SONG ET AL.

Examiner

David D. Davis

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22, 23, 25, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 23, 25, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 23, 25, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikegame et al (US 5,208,703). As per claims 22 and 46, Ikegame et al shows in figure 7 an optical pickup actuator having an asymmetric structure for driving an objective lens 1 positioned on a base 5. Ikegame et al also shows in figure 7 a lens holder 3 to hold the objective lens 1; a suspension 14 movingly supporting the lens holder 3 so that the lens holder 3 is movable with respect to the base 5; and a magnetic circuit. The magnetic circuit includes a pair of unipolar magnetized magnets 12 positioned on the base 5 to face each other at one side of the objective lens 1, and a coil assembly mountable on the lens holder 3 between the pair of unipolar magnetized magnet. The coil assembly includes a pair of focusing coils 2 positioned in the lens holder 3 between the pair of unipolar magnetized magnets 12, and a plurality of tracking coils 20 positioned on at least one side of the pair of focusing coils 2 to face the unipolar magnetized magnets 12. Ikegame et al shows in figure 7 the magnetic circuit including only a single pair of unipolar magnetized magnets 12.

As per claims 23 and 47, Ikegame et al shows in figure 7 the coil assembly using bulk type coils in which the focusing coils 2 and the tracking coils 20 are previously wound, and the plurality of tracking coils 20 are attached to the pair of focusing coils 2 in the coil assembly. As

per claim 25, Ikegame et al shows in figure 7 the actuator being a two-sided, three axis driving pickup actuator.

Ikegame et al, insofar as the claims are definite and understood, is silent as to a single pair of magnets.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to remove a set of magnets or provide a single pair of magnets from the optical pickup actuator of Ikegame et al. The rationale is as follows: the purpose of the magnets is to drive the magnetic circuit. The magnetic circuit does not need multiple pairs of magnets to drive the circuit. Realizing this, one of ordinary skill in the art at the time the invention was made would have been motivated to remove a set of magnets or provide a single pair of magnets, which is well within the purview of a skilled artisan and absent unobvious result since removing an element removes its function, to reduce magnets in the actuator thereby reducing costs.

Response to Arguments

2. Applicant's arguments filed June 23, 2008 have been fully considered but they are not persuasive. In the paragraph bridging pages 4 and 5, applicant asserts that the applied prior art includes two pairs for magnets not one as claimed. The claims, however, require *a magnetic circuit* that consist of a single pair magnets, and Ikegame shows in figures 6-8, for example, a magnetic circuit consisting of a single pair of magnets.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David D. Davis/
Primary Examiner
Art Unit 2627

ddd